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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/313,988 09/28/94 BROWN

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VERDUN, H

ART UNIT	PAPER NUMBER
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2411
DATE MAILED:

12/12/95

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input checked="" type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-27 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☒ Claims 1-27 are rejected.

5. ☐ Claims _____ are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☒ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

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Part III DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The present title is not sufficiently descriptive and lacks adequate informational value to facilitate indexing, classifying, searching, etc., see, M.P.E.P. § 606.01.

Claim Rejections - 35 U.S.C. § 112

3. Claim 3 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "the like" does not particularly point out and distinctly claim the subject matter. Examiner suggests phrase "the like" be removed, since the use of "includes" provides the breadth Applicant desires.

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Claim Rejections - 35 U.S.C. § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1,2, and 19-22 are rejected under 35 U.S.C. § 102(b) as being anticipated by Musmanno(4,376,978).

Musmanno discloses:

establishing at least one file for said first entity, i.e. the customer, at (Col. 2, lines 4-7);

providing a plurality of data inputs to said file, said inputs including electronically recorded financial transactions made between said first and other entities, at (Col. 2, lines 35-60);

providing access to said file for agents, the custodian or investment agent of said first entity so that one of said agents can perform one or more activities selected from the group consisting of entering, deleting, reviewing, adjusting, and processing said data inputs, at (Col. 2 lines 10-15).

Generation and providing accounting statements to said first entity (Fig. 1B).

Examiner also directs Applicant's attention to Figs. 1A-3. These figures schematically lay out the operation of Musmanno and anticipates the present invention.

Claim Rejections - 35 U.S.C. § 103

6. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 86 S.Ct. 684, 15 L.Ed. 2nd 545 (1966), 148 U.S.P.Q. 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. § 103 are summarized as follows:

1. Determining the scope and contents of the prior art;
2. Ascertaining the differences between the prior art and the claims at issue; and
3. Resolving the level of ordinary skill in the pertinent art.

8. Claims 3-5, 23, and 25-27 are rejected under 35 U.S.C. § 103 as being unpatentable over Musmanno (4,376,978).

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The following Claim rejections are partly based on the same reasoning employed in paragraph 5, *supra*, and is hereby incorporated by reference and supplemented as follows:

As per Claim 3 Musmanno discloses:

Establishing an account for the user and the short term investment of his free credit cash, adjusting the account to reflect income and expenses flowing into and out of the account(See Col.1, lines 25-35). Musmanno does not disclose beginning balances for income, expenses, assets, liabilities, bank accounts and the like *per se*.

Examiner asserts that it is obvious that Musmanno contemplates these balances. At (Col. 2 lines 34+) Musmanno describes the overall philosophy of the invention, whereby charges by transaction card and checks drawn against the bank affect the customer account by reducing the amount of excess cash available to be invested. The customer's free credit cash is represented by the free cash in the brokerage and by the customer's money market account(s) investment, plus loanable value of other securities. To determine the amounts available to be invested in this system, a person of ordinary skill in the art would have to know the "beginning balances" of all the accounts utilized in the system.

Furthermore, at (Col. 4, lines 20-26) if a customer account is overdrawn a temporary loan is extend to clear the overdraft. It is common practice in the banking and financial services industry to make a loan, even a temporary one, based on ones ability to repay the loan. This is usually determined by ones assets and liabilities and their sources of income and expenses. Therefore, it would have been obvious to one skilled in the art at the time of the invention to require beginning balances of these categories as part of the information required upon initiating the account.

9. As per Claim 4, the coding information appropriate to first entity, as understood by the Examiner, is employed as a means to identify and categorize the accounts. The specification at (Page 4, lines 23+) and Fig 1. supports Examiner's assumption. Therefore, based on this assumption, it would have been obvious to one skilled in the art at the time of the invention to identify and categorized the accounts. The motivation to do so would be to facilitate the location of and access to the account.

10. As per Claim 5, Examiner asserts that the art is replete with security measures to prevent and/or limit access to computer systems. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide agents with individual passcodes, unique to each, to grant access to the accounts.

11. As per Claims 19 and 20,

12. As per Claim 23, Examiner asserts that generally accepted Accounting Practices (GAAP) would dictated that an accounting system would contemplate and prepare for accrual and cash accounting data inputs. Since businesses and many individuals would encounter these transactions it would have been obvious to one of ordinary skill in the art at the time of the invention to employ these categories in their electronic accounting systems.

13. As per Claims 25-27, which are similar in scope and will be examined together, Examiner asserts that it would be obvious to use a second computer or home PC or some other device with computer type capabilities to accomplish these tasks. The computer industry has evolved whereby there is virtually no specialization, at least from a user's view point. Virtually all computers from mainframes to PC's and Macs to smart phones are capable of processing and manipulation of data. It would be obvious to one skilled in the art

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to interchange these fungible systems and produce Applicants invention.

14. Claims 6 and 7 are rejected under 35 U.S.C. § 103 as being unpatentable over Musmanno(4,376,978).

The following Claim rejections are partly based on the same reasoning employed in paragraph 5, *supra*, and is hereby incorporated by reference and supplemented as follows:

Musmanno discloses (Col. 5, lines 26-32) a subscriber's account data processing, whereby subscriber's master file is used to update the customer's local data base as in his local brokerage office. Examiner asserts that these files or accounts or ledgers are synonymous and may be used interchangeably to mean the same thing within these contexts. It is widely employed by banks, brokerage concerns and other financial institutions to employ "batch" processing to update customer files. The motivation to do so would be to most efficiently utilize computer resources by shifting these operations to non peak and critical time periods. The implementation of this process requires that the subsidiary ledgers be updated as the transactions occurs, but the transmittal to other parties of wait until the batch process to be done. Furthermore, some systems, such as a home PC, may not be on line at the time of regular transferral of the data, and transmission will have to be delayed. Therefore, the data would have to remain in a subsidiary ledger until transferral could be completed. Therefore, it would have been obvious for a person of ordinary skill in the art at the time of the invention to employ subsidiary ledgers and their subsequent transmittal, for reasons enunciated above.

The hypothetical person skilled in the art is attributed with knowledge of all the prior art in the field of the inventor's

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endeavor and of prior art solutions for a common problem even if outside of that field, *In re Nilssen*, 7 U.S.P.Q.2d 1500 (Fed. Cir. 1988).

15. Claims 8-13 are rejected under 35 U.S.C. § 103 as being unpatentable over Musmanno(4,376,978) in view of Brown et al.(5,193,055).

Musmanno fails to disclose coding of the data inputs at any stage of the process. Brown discloses an accounting system (Figs. 2A-6G) whereby coding information is provided and utilized upon entering transactions into the system. It would have been obvious to one skilled in the art at the time of the invention to utilize coding information pre or post entry. The motivation to do so would be to group like expenses, assets, liabilities, i.e. transactions, together to facilitate the production of reports and analysis as needed. The ability to alter the coding or to forego coding initially or subsequently would be an obvious feature to employ, because a system may be evolving and unforeseen transactions may occur that need classification or reclassification.

16. Claims 14-18 and 24 are rejected under 35 U.S.C. § 103 as being unpatentable over Musmanno(4,376,978).

Examiner asserts that it is widely known and utilized in the financial industry to employ electronic funds transfer(EFT) to transfer sums via individuals or banks. It would be obvious to one skilled in the art at the time of the invention to employ EFT in its many guises to facilitate financial activity. The motivation to do so would be the ease and convenience of the process, reduction in the time and expense of processing checks or drafts and the benefit of quicker access to funds transferred to the entities.

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Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following prior art is in the area of data processing systems and financial transaction system similar in scope to the art used to make this rejection, and may be of assistance to the Applicant.

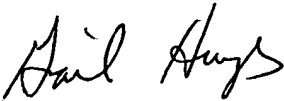
Kouchi et al.	(5,406,475)
Kight et al.	(5,383,113)
Perazza	(5,326,959)
Champion et al.	(5,126,936)
Anderson	(5,283,829)
Atkins	(4,953,085)
Savar	(4,727,243)

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hayward A. Verdun whose telephone number is (703) 305-9770. The examiner can normally be reached on Monday through Friday 8:00 A.M. to 4:30 P.M.

If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, Ms. Gail Hayes, can be reached at (703) 305-9711.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800.

HAV
Nov. 12, 1995


GAIL O. HAYES
SUPERVISORY PATENT EXAMINER
GROUP 2400